

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----X
5 TINA BRADWAY, Individually and as
6 Administratrix of the Estate of
7 TONY BRADWAY,

8 Plaintiff,

9 -against-

Civil Action No.
CV-09 3177

10 THE TOWN OF SOUTHAMPTON, LINDA A. KABOT,
11 and JOHN DOES 1-10 Consisting of
12 Individuals to be Determined,

13 Defendants.
14 -----X

15 May 24, 2010
16 12:28 p.m.

17 110 Old Riverhead Road
18 Hampton Bays, New York

19 DEPOSITION of THE TOWN OF SOUTHAMPTON,
20 a Defendant herein, by POLICE OFFICER VINCENT
21 CAGNO, taken by the Plaintiff, pursuant to
22 Federal Rules of Civil Procedure, and Notice,
23 held at the above-mentioned time and place,
24 before Lori Anne Curtis, a Notary Public of the
25 State of New York.

1 PO V. Cagno

2 A Officer Frankenbach was still in
3 the living room.

4 Q Okay.

5 And while you were handcuffing
6 Ms. Gianini, was Mr. Bradway asleep or awake?

7 A I couldn't say. My back was
8 turned.

9 Q Did he say anything?

10 A I wasn't aware. I was dealing
11 with Ms. Gianini.

12 Q Okay.

13 And after you sat Ms. Gianini at
14 the dining table, what happened next?

15 A Officer Sickles escorted
16 Mr. Bradway over to the dining room table.

17 Q At that point was Mr. Bradway
18 already handcuffed?

19 A No, he was not.

20 Q Did you handcuff Mr. Bradway?

21 A Yes.

22 Q Not Officer Sickles?

23 A Yes, I handcuffed Mr. Bradway.

24 Q Okay.

25 After you handcuffed him, what

PO V. Cagno

happened? Was Mr. Bradway sat at the table as well?

A Yes, he was.

Q And that was at the opposite end of the table from Ms. Gianini?

A Yes.

Q What happened next?

A Officer Sickles informed me that a quantity of what appeared of crack cocaine was found on the seat where Mr. Bradway was sleeping.

Q So he was on the sofa?

A Yeah, the sofa.

Q And what happened to that bag of crack cocaine?

A Officer Sickles took possession of it.

Q And after Officer Sickles informed you that he found a bag of crack cocaine, did you say anything to Mr. Bradway?

A I attempted to talk to him, yes.

Q What were you trying to talk to him about?

A Basic pedigree; name, where do you

1 PO V. Cagno

2 live, date of birth.

3 Q Was he responding to your
4 questions?

5 A No, he would not speak.

6 Q Okay.

7 Was he understanding you, if you
8 know?

9 A I believe so.

10 Q Okay.

11 And after Mr. Bradway was not
12 responding to your questions, what, if anything,
13 did you do?

14 A I attempted to continue to talk to
15 him.

16 Q Okay.

17 And he still didn't respond?

18 A No.

19 Q Okay.

20 What happened next?

21 A I continued to try to talk to him.
22 He was refusing to reply back to me.

23 Q Was he sitting up in the chair?

24 A He was kind of slouching over.

25 Q Slouching over?

1 PO V. Cagno

2 Q And at the time that Mr. Bradway
3 entered the dining room, did you see the bag on
4 his body?

5 A No, I did not.

6 Q So the first time you saw the bag,
7 it was actually after he spat it out?

8 A Correct.

9 Q Okay.

10 When you first noticed that
11 Mr. Bradway was chewing on something, did you
12 have any idea of what it was?

13 A Prior to him chewing, I seen him
14 wipe his mouth on his pant leg, and it appeared
15 to be a white powdery material.

16 Q So at the time he was sitting, he
17 was handcuffed; correct?

18 A Correct.

19 Q And he was handcuffed with his
20 arms behind his back?

21 A Correct.

22 Q So he wasn't able to use his hands
23 to wipe his mouth or anything.

24 A Correct.

25 Q So he wiped his mouth directly

1 PO V. Cagno

2 onto his jeans?

3 A Correct.

4 Q That's what you noticed?

5 A Yes.

6 Q And when you saw him wipe his
7 mouth on his jeans and you noticed a white
8 substance, what did you do next?

9 A I noticed that he was chewing
10 after that. I told him to spit it out, stop
11 chewing, "What is it?" I repeatedly asked him
12 what it was.

13 Q Did he respond?

14 A No.

15 Q Okay.

16 And what did you do next?

17 A I attempted to stop him from
18 chewing by putting my left hand behind his head
19 and my right hand up under his chin (indicating)
20 to stop, to close his mouth so he couldn't
21 swallow anything.

22 Q Were you able to stop him?

23 A No.

24 Q And up until that point, did Mr.
25 Bradway say anything?